

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

ORDER

It is hereby ordered that Local Civil Rule 5(e) is adopted, effective December 15, 2007, and reads as follows:

(e) Sealed Proceedings and Documents

1.(a) The power to close a courtroom or to exclude the public from proceedings to which a First Amendment right to access attaches shall be used sparingly and only for clear and compelling reasons. Before excluding the public from such proceedings, the Court must make particularized findings on the record demonstrating the need for the exclusion, and any court closure order shall be narrowly tailored to serve the purpose of the closure. Those findings may be made *in camera* and under seal, provided that the requirements of paragraph 3, below, have been met with respect to the findings themselves.

(b) Except when justified by extraordinary circumstances, no order closing a courtroom or excluding the public from proceedings to which a First Amendment right to access attaches shall be entered except upon advance notice to the public. Any motion seeking such relief, whether made by a party or by the Court *sua sponte*, must be docketed immediately in the public docket files of the Court. When docketed under seal pursuant to an order of the Court, the docket entry for any motion seeking court closure shall reflect the fact that the motion was made, the fact that any supporting or opposing papers were filed under seal, the time and place of any hearing on the motion, the occurrence of such hearing, the disposition of the motion, and the fact and extent of courtroom closure. Any such motion shall be made as far in advance of the pertinent proceeding as possible in order to permit the public to intervene for the purpose of challenging the court closure.

2. Except as permitted or required by federal law, no civil case shall be sealed in its entirety. The existence of any case sealed in its entirety shall be reflected on public dockets by use of the notation: "Sealed Case."

3. Every document used by parties moving for or opposing an adjudication by the Court, other than trial or hearing exhibits, shall be filed with the Court. No judicial document shall be filed under seal, except upon entry of an order of the Court either acting *sua sponte* or specifically granting a request to seal that document. Any such order sealing a judicial document shall include particularized findings demonstrating that sealing is supported by clear and compelling reasons and is narrowly tailored to serve those reasons. A statute mandating or permitting the non-disclosure of a class of documents (e.g., personnel files, health care records, or records of administrative proceedings) provides sufficient authority to support an order sealing such documents. A judge may seal a Court order, including an order to seal documents and the related findings, when sealing a Court order meets the standard for sealing a judicial document. No document shall be sealed merely by stipulation of the parties. A confidentiality order or protective order entered by the Court to govern discovery shall not qualify as an order to seal documents for purposes of this rule. Any document filed under seal in the absence of a Court order to seal it is subject to unsealing without prior notice to the parties.

4. Counsel seeking an order to file a document under seal may choose among the following procedures:

(a) Counsel shall file a redacted version of each document sought to be sealed. Counsel shall also file a motion to seal, and shall attach to the motion unredacted copies of each document sought to be sealed and any memorandum or other documents supporting the assertion that grounds exist for sealing the documents sought to be sealed. The unredacted documents and memorandum or other supporting documents shall be submitted in an envelope for sealing, bearing the caption and docket number of the case, and the caption of the pleading or description of the documents sought to be sealed. The Clerk shall: (1) file-stamp and docket the redacted documents and the motion to seal; (2) file-stamp and docket under seal the unredacted documents submitted in the envelope for sealing; and (3) forward to the Court for consideration the redacted documents, the motion to seal, the unredacted documents sought to be sealed, and the memorandum or other supporting documents. Upon submission by the party seeking a sealing order, the sealing envelope and its contents shall be treated as a sealed document unless the motion to seal is denied or until otherwise directed by the Court.

(b) Counsel may file a motion to seal, along with a memorandum and supporting documents, with or without the documents sought to be sealed. Any documents submitted to the Court that counsel want considered to be sealed, including the motion to seal, memorandum or supporting documents, shall be submitted in a sealing envelope of the type described in Local Rule 5(e)4(a), and its contents shall be treated as a sealed document unless the motion to seal is denied or until otherwise directed by the Court. If the Court grants the motion to seal in whole or in part, counsel shall file any redacted copies of any documents required by the Court's sealing order and shall submit to the Clerk in a sealing envelope unredacted copies of any documents ordered sealed but not previously submitted to the Court.

(c) Counsel may seek permission of the presiding Judge to submit the documents sought to be sealed for *in camera* consideration. If the Judge agrees to review documents *in camera*, counsel shall submit to Chambers and shall serve on all counsel of record copies of the documents sought to be sealed and shall file a motion to seal, a memorandum and supporting documents. If counsel want the motion to seal, memorandum or supporting documents to be considered as documents to be sealed, counsel shall submit those documents in a sealing envelope of the type described in Local Rule 5(e)4(a), and its contents shall be treated as a sealed document unless the motion to seal is denied or until otherwise directed by the Court. If the Court grants the motion to seal in whole or in part, counsel shall file any redacted copies of the documents required by the Court's sealing order and shall submit to the Clerk the unredacted documents to be sealed in a sealing envelope.

5. A motion to seal shall be entered on the docket as "Motion to Seal" along with a description of the items sought to be sealed (e.g., "Motion to Seal Defendant's Personnel File"). The documents sought to be sealed shall be entered on the docket using the same caption of the pleading or description of the documents used on the sealing envelope, with the remark "filed under seal" (e.g., "Motion to Declassify Documents Protected by Confidentiality Order, filed under seal" or "Psychiatric records, filed under seal"). Pursuant to a Court order supported by a particularized showing of good cause, a filing or document may be entered on the docket simply as "Sealed Document" or "Sealed Motion." Any documents ordered sealed by the Court shall be sealed by the

Clerk in the envelope provided by counsel; the Clerk shall docket any sealing order issued by the Court and shall note the date of the sealing order on the envelope. The Court may condition any sealing order on the filing of documents less fully redacted than those submitted by the party seeking sealing. If the Court denies the motion to seal in whole or in part, any unredacted document, motion, memorandum or supporting document not ordered sealed will be treated as unsealed and docketed by the Clerk.

6. Any party may oppose a motion to seal or may move to unseal a case or document subject to a sealing order. Any non-party who either seeks to oppose a motion to seal or seeks to unseal a case or document subject to a sealing order, may move for leave to intervene in a civil action for the limited purpose of pursuing that relief. Motions for leave to intervene for purposes of opposing sealing, objections to motions to seal, and motions to unseal shall be decided expeditiously by the Court.

7. Any case or document ordered sealed by the Court shall remain sealed pending further order of this Court, or any Court sitting in review. After a sealed document has been uploaded to the electronic docket, the original and any copies in the possession of the Clerk's Office or a judicial officer may be returned to the filing party. Upon final determination of the action, as defined in Rule 83.6(c) of the Local Rules of Civil Procedure, counsel shall have ninety (90) days to file a motion pursuant to Rule 83.6(a) for the withdrawal and return of the sealed documents. Any sealed document thereafter remaining may be destroyed by the Clerk pursuant to Rule 83.6(e) or retired by the Clerk with other parts of the file to the Federal Records Center, where they may be unsealed without notice to counsel or the parties. The return, destruction or retirement of hard copies of sealed documents shall not serve to unseal electronic copies of documents sealed by Court order.

8. Except as otherwise provided by federal statute or the Federal Rules of Civil Procedure, the party filing any document that will or could become publicly available shall redact from that document:

- (a) Social Security numbers to the last four digits;
- (b) Financial account numbers to the last four digits;
- (c) Dates of birth to the year; and
- (d) Names of minor children to the initials.

9. The envelope for sealing required by Local Civil Rule 5(e) shall be in substantially the following form:

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

[CAPTION]

NO. _____

Contents: _____

Submitting Attorney: _____

Judicial Officer: _____

Date Sealed: _____

Date Unsealed: _____

The Clerk is directed to seal the contents of this envelope until further order of the Court.

SO ORDERED this ____ day of _____, 20__, at _____, Connecticut.

[Name of Judge], U.S.D.J./U.S.M.J.

Dated at Bridgeport, Connecticut, this 16th day of November, 2007.

Robert N. Chatigny
Chief U. S. District Judge

Alvin W. Thompson
U.S. District Judge

Janet Bond Arterton
U.S. District Judge

Janet C. Hall
U.S. District Judge

Christopher F. Droney
U.S. District Judge

Stefan R. Underhill
U.S. District Judge

Mark R. Kravitz
U.S. District Judge

Vanessa L. Bryant
U.S. District Judge

Ellen Bree Burns
Senior U.S. District Judge

Warren W. Eginton
Senior U.S. District Judge

Peter C. Dorsey
Senior U.S. District Judge

Alan H. Nevas
Senior U.S. District Judge

Alfred V. Covello
Senior U.S. District Judge

Dominic J. Squatrito
Senior U.S. District Judge
